

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Jesse Bailey IV,

4 Petitioner

5 v.

6 State of Nevada, *et al.*,

7 Respondents.

Case No.: 3:25-cv-00054-ART-CLB

Order Directing Service of Petition  
and Granting Motion for Counsel

8 Jesse Bailey IV has submitted a pro se 28 U.S.C. § 2254 petition for a  
9 writ of habeas corpus. (ECF No. 1-1.) His application to proceed *in forma*  
10 *pauperis* (ECF No. 1) is granted. The Court has reviewed the petition pursuant  
11 to Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254  
12 and directs that it be served on Respondents.

13 A petition for federal habeas corpus should include all claims for relief of  
14 which Petitioner is aware. If Petitioner fails to include such a claim in his  
15 petition, he may be forever barred from seeking federal habeas relief upon that  
16 claim. See 28 U.S.C. §2244(b) (successive petitions). If Petitioner is aware of  
17 any claim not included in his petition, he should notify the Court of that as  
18 soon as possible, perhaps by means of a motion to amend his petition to add  
19 the claim.

20 Along with his *ifp* application, Bailey also submitted a motion for  
21 appointment of counsel. (ECF No. 1-1 at 15-16.) There is no constitutional  
22 right to appointed counsel in a federal habeas corpus proceeding. *Luna*  
23 *v. Kernan*, 784 F.3d 640, 642 (9<sup>th</sup> Cir. 2015) (citing *Lawrence v. Florida*, 549

1 U.S. 327, 336–37 (2007)). Whenever the court determines that  
2 the interests of justice so require, counsel may be appointed to any financially  
3 eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B).  
4 “[T]he district court must evaluate the likelihood of success on the merits as  
5 well as the ability of the petitioner to articulate his claims pro se in light of the  
6 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954  
7 (9<sup>th</sup> Cir. 1983). Here, Bailey seeks to challenge his conviction of second degree  
8 murder with use of a deadly weapon for which he is serving a sentence of 17  
9 years to life in prison. He appears to state at least some claims cognizable in  
10 federal habeas corpus. He also appears to suffer from physical and mental  
11 health issues. In order to ensure due process, the Court grants Bailey’s motion  
12 for counsel.

13 It is therefore ordered that petitioner’s application to proceed *in forma*  
14 *pauperis* **(ECF No. 1) is GRANTED.**

15 It is further ordered that the Clerk of Court detach, file, and  
16 electronically SERVE the petition (ECF No. 1-1) on Respondents.

17 It is further ordered that the Clerk add Aaron D. Ford, Nevada Attorney  
18 General, as counsel for Respondents and provide Respondents an electronic  
19 copy of all items previously filed in this case by regenerating the Notice of  
20 Electronic Filing to the office of the AG only.

21 It is further ordered that the Clerk detach and file the motion for  
22 appointment of counsel as a separate motion (ECF No. 1 at 15-16).  
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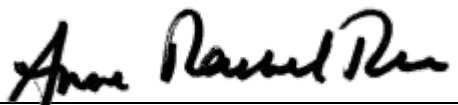
1 It is further ordered that Petitioner's motion for appointment of counsel  
2 is **GRANTED**.

3 It is further ordered that the Federal Public Defender for the District of  
4 Nevada ("FPD") is appointed to represent Petitioner.

5 It is further ordered that the Clerk electronically serve the FPD a copy of  
6 this order, together with a copy of the petition for writ of habeas corpus (ECF  
7 No. 1-1). The FPD has **30 days** from the date of entry of this order to file a  
8 notice of appearance or to indicate to the Court its inability to represent  
9 Petitioner in these proceedings.

10 It is further ordered that after counsel has appeared for Petitioner in this  
11 case, the Court will issue a scheduling order, which will, among other things,  
12 set a deadline for the filing of an amended petition.

13  
14 DATED: 11 February 2025.

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16   
17 ANNE R. TRAUM  
18 UNITED STATES DISTRICT JUDGE  
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